

ORIGINAL

IN THE DISTRICT COURT OF PITTSBURG COUNTY,
STATE OF OKLAHOMA

DARRYL M. BUCKNER,

Plaintiff,

vs

CASE NO. CS-16-228

MCGUIRE TRANSPORTATION
INC., a Texas Corporation
MARCUS R. WILSON, an individual,
and IAT INSURANCE COMPANY,
A Foreign Corporation.

Defendants.

PETITION

COMES NOW the Plaintiff, DARRYL M. BUCKNER, by and through his attorney the undersigned, and for his claim against the Defendants, MCGUIRE TRANSPORTATION INC., (hereinafter referred to as "McGuire"), MARCUS R. WILSON, (hereinafter referred to as "Wilson"), and IAT Insurance Company (hereinafter known as IAT) states and alleges as follows:

1. Plaintiff is an individual residing in the County of Pittsburg, State of Oklahoma.
2. Defendant, MCGUIRE, is a trucking company located in the State of Texas.
3. Defendant, WILSON, is an individual believed to be residing in the State of Texas and is an employee/agent of Defendant MCGUIRE at all times relevant.
4. Defendant IAT Insurance Company, is a foreign corporation organized and existing under and by virtue of the laws of a state other than the State of Oklahoma and is duly licensed and authorized to transact business in the State of Oklahoma as a surety bonding and/or insurance company.

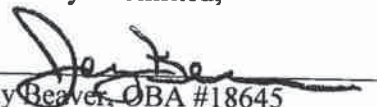
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IN DISTRICT COURT
PITTSBURG COUNTY, OKLA
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BY CINDY LEDFORD CS
DEPUTY

5. That pursuant to the requirements of the statutes of the State of Oklahoma, said Defendant IAT has a condition to the issuance to said Defendant(s) whom are motor carriers issued their liability insurance policy or bond by the terms of which said insurance company was obligated to make compensation for injuries to persons resulting from the operation of said Defendants and to also make compensations for damages to property by reason of such operation of said motor carrier.
6. That pursuant to Oklahoma laws Defendant IAT is a proper party in this action from which Plaintiff can see recovery of damages.
7. This action occurred in Pittsburg County, State of Oklahoma and this Court has jurisdiction of this matter and proper venue.
8. That Defendant MCGUIRE is and was at all times herein a corporation organized and existing under and by the virtue of the laws of a state other than the State of Oklahoma, and is duly licenses to transact business in the State of Oklahoma as a transportation company.
9. That pursuant to the laws of the State of Oklahoma, said Defendant MCGUIRE, USDOT #355394, is a proper party in this action from which Plaintiff can seek recovery of damages.
10. On September 23, 2015, Plaintiff was negligently struck by a truck owned by Defendant McGUIRE and operated by Defendant WILSON
11. Defendant, WILSON, as an employee of Defendant MCGUIRE, negligently struck the Plaintiff and that all times relevant to this action was acting within the cope of his employment with Defendant MCGUIRE.

12. That Defendant WILSON, was negligent in the operation of the vehicle and such negligent caused Plaintiff's injuries.
13. That Wilson's negligence was in violation of applicable law, ordinance, or other governmental rule and/or regulation and Wilson's acts/omissions constitute negligence per se.
14. That Wilson's actions and/or omissions constitute gross negligence and/or reckless disregard for the safety/rights of others.
15. That Defendant MCGUIRE is liable and responsible to the Plaintiff for the negligent actions/omissions of its employee/agent WILSON.
16. That Defendant WILSON breached his duty to exercise ordinary care to Plaintiff and was negligent in causing this accident. The Defendant's negligence caused Plaintiff damages and harm
17. That the Defendants are liable to the Plaintiff for all of his compensable damages.

WHEREFORE, Plaintiff prays for judgment against the Defendants and each of them for damages in excess of \$75,000.00 as well as interest, costs, attorney's fees, and such other relief to which this Honorable Court may deem just and proper.

Respectfully Submitted,


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ATTORNEY FOR PLAINTIFF

ATTORNEY'S LIEN CLAIMED